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UNITED STATES GYPSUM COMPANY

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES GYPSUM COMPANY,

Plaintiff,

vs.

PACIFIC AWARD METALS, INC.,

Defendant.

Case No. C04-04941 JSW

**THE PARTIES' REVISED JOINT
STIPULATION TO PLACE SPECIFIC
EXHIBITS TO PREVIOUSLY FILED
PLEADINGS UNDER SEAL;
~~PROPOSED~~ ORDER THEREON**

The Honorable Jeffrey S. White

1 Pursuant to the discussion with the Court at the Case Management Conference on April 14,
2 2006, the Court's April 17, 2006 Order Denying Without Prejudice the parties' original Stipulation to
3 Place Documents Under Seal, and Local Rule 79-5, Plaintiff United States Gypsum Company
4 ("USG") and Defendant Pacific Award Metals, Inc. ("Award") respectfully inform the Court as
5 follows:

6 1. In keeping with the admonition of Local Rule 79-5 that any motion to seal "must be
7 narrowly tailored to seek sealing of only sealable material," the parties have agreed that Award's
8 previously filed Motion for Administrative Relief Requesting Leave to File a Motion for Summary
9 Judgment, filed on April 7, 2006 (Docket No. 164), may remain locked and inaccessible to the public.
10 In its place, Award proposes to file an Amended Motion for Administrative Relief Requesting Leave
11 to File a Motion for Summary Judgment which will omit certain words contained in Award's original
12 filing to which USG objected as disclosing trade secrets.

13 2. USG requests the Court to seal Exhibits 1 and 2 to the Declaration of Michael P.
14 Padden in Support of Opposition of Plaintiff United States Gypsum Company to Defendant's Motion
15 for Administrative Relief Requesting Leave to File a Second Motion for Summary Judgment, filed on
16 April 12, 2006 (Docket No. 166). These two Exhibits — Plaintiff's Response to Defendant's Second
17 Set of Interrogatories (No. 10) and Plaintiff's Disclosure of Trade Secrets — set forth specific and
18 confidential descriptions of the USG's claimed trade secrets that were designated as Confidential
19 and/or Confidential Outside Attorneys' Eyes Only under the Protective Order entered in this case.

20 3. USG has elected not to seek the sealing/redaction of its previously filed Opposition to
21 Defendant's Motion for Administrative Relief Requesting Leave to File a Second Motion for
22 Summary Judgment, filed on April 12, 2006 (Docket No. 165).

23 Accordingly, the parties respectfully request that the Court instruct the clerk: to lock and
24 make inaccessible Award's previously filed Motion for Administrative Relief Requesting Leave to
25 File a Motion for Summary Judgment; to allow Award to file its Amended Motion for Administrative
26 Relief Requesting Leave to File a Motion for Summary Judgment; and to seal Exhibits 1 and 2 to the
27 Padden Declaration filed on April 12, 2006.

1 The parties understand that, despite the re-filing of Defendant's motion and the sealing of
2 certain exhibits filed by Plaintiff, the Court has already denied Defendant's Motion for
3 Administrative Relief Requesting Leave to File a Second Motion for Summary Judgment, and thus
4 that the Court will take no further action on that motion.

5
6 DATED: April 26, 2006

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8 Respectfully submitted,

9 HOWREY LLP

10
11 /s/ Benjamin K. Riley
12 Benjamin K. Riley
13 Attorneys for Plaintiff
14 UNITED STATES GYPSUM COMPANY
15

16 APPROVAL AS TO FORM:

17 HELLER EHRMAN LLP

18 /s/ Warren J. Rheume
19 Warren J. Rheume
20 (Approved by Telephone without presentment)
21 Attorneys for Defendant
22 PACIFIC AWARD METALS, INC.
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~~PROPOSED~~ ORDER

Pursuant to the above stipulation of counsel and good cause shown therefor, it is hereby Ordered as follows:

1. The Motion for Administrative Relief Requesting Leave to File a Motion for Summary Judgment, filed by Defendant Pacific Award Metals on April 7, 2006 (Docket No. 164), shall remain locked and inaccessible to the public; in its place, Award shall file its Amended Motion for Administrative Relief Requesting Leave to File a Motion for Summary Judgment; and

2. The Clerk will seal Exhibits 1 and 2 to the Declaration of Michael P. Padden in Support of Opposition of Plaintiff United States Gypsum Company to Defendant's Motion for Administrative Relief Requesting Leave to File a Second Motion for Summary Judgment (filed on April 12, 2006, Docket No. 166).

3. The Clerk shall unlock docket no. 165 and make that document accessible to the public, and shall also unlock parts 1 (Declaration of Michael Padden) and 4 (Exhibit 3 of the Padden Declaration) of Docket No. 166. Parts 2 and 3 (Exhibits 1 and 2 of the Padden Declaration) shall remain locked and inaccessible.

IT IS SO ORDERED.

Dated: April ²⁶__, 2006



JEFFREY S. WHITE
UNITED STATES DISTRICT JUDGE